



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,567	08/20/2001	Nick Steele	17331-0007	7300

20786 7590 09/29/2005

KING & SPALDING LLP
191 PEACHTREE STREET, N.E.
45TH FLOOR
ATLANTA, GA 30303-1763

EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2167

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/933,567

Applicant(s)

STEELE ET AL.

Examiner

Greta L. Robinson

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 and 21-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 20 and 63-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I claims 1-13, 20 and 63-72 in the reply filed on July 10, 2005 is acknowledged. The traversal is on the ground(s) that considering all of the four distinct inventions in a single application is not a serious burden on the Examiner. This is not found persuasive because Applicant admits that the inventions are distinct. Applicant has not specified how the subject matter set forth in the claims are substantially related. Each Group is drawn to a different mode of operation requiring a separate or distinct subclass search in the art. Group II is drawn to imposing fees for conveying profile information this element is not required in the other groups, a search in 705/52; whereas group III is drawn to storage information in a shared memory 707/8, Group IV drawn to authentication requiring a search in 707/9, while Group I is drawn to receiving and responding to information over a distributed network 707/10.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 14-19 and 21-62 drawn to an invention nonelected with traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 7 and 63-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said data repository" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said data repository" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 63 and 72 the following limitation is vague and unclear tagged consumer information [see claim 63 line 3; and claim 72 line 4]. The meaning of the term tagged is not clear with respect to consumer information. Claims 64-71 are rejected based on dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13, 20 and 63-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Haller et al. US Patent 5,983,208.

Regarding claim 1, Haller et al. teaches a computer-implemented method, comprising the steps of:

receiving consumer profile information over a distributed network [note: Figure 29 and 30; col. 57 line 40 through col. 58 line 34];

storing the consumer profile information in a plurality of information accounts logically affiliated with a plurality of exchanges, each information account affiliated with at least one exchange [note; wallet file (2640) Figure 26 (i.e. profile); col. 103 line 55 through col. 105];

receiving requests from the exchanges for consumer profile information in specific information accounts [note: col. 91 line 10 through col. 92]; and

responding to said requests by conveying some or all of the consumer profile information to the requesting exchange, provided that the information account storing the consumer profile information is affiliated with the requesting exchange [note: col. 14 lines 44-55; Figure 28, 29, 20B].

7. Regarding claim 2, wherein each of said exchanges comprises one or more servers [note: Figure 23 note servers 200; Figure 22 and Figure 21B Multithread Gateway].

Art Unit: 2167

8. Regarding claim 3, wherein said data repository further comprises, for each information account, an identification of an originating vendor or entity, said method further comprising the steps of:

maintaining a transaction log recording utilization of each information account to allow for compensation to the information account's originating vendor or entity [note: *Transaction Logger* (2155) Figure 21B].

9. Regarding claim 4, wherein said requests are initiated from activity at a users computer in communication with the exchanges over the distributed network [note: Figure 10 (1010)].

10. The limitations of claims 5-12 parallel claims 1-4; therefore they are rejected under the same rationale.

11. The limitations of claim 13, 20 and 63-72 have been addressed above except for the following: said exchanges comprising a logical grouping of one or more servers communicating with user devices ... sending the consumer profile information to a data repository for storage ... branded information accounts [note: *Branded/GUI* (2600) figure 26; *Multithread Gateway* Figure 21B, also note servers 200 Figure 23].

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gershman et al. US Patent 6,356,905 B1

Kalian US Patent 6,243,688 B1

Gershman et al. US Patent 6,401,085 B1

Deaton et al. US Patent 5,644,723

Burkey et al. US Patent 6,845,370 B2


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/933,567
Art Unit: 2167

Page 7



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
September 27, 2005